

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

GERALD P. CZUBA, individually and on)	
behalf of a Class of others similarly)	
situated,)	
)	
Plaintiff,)	Case No. 09-CV-0409
)	
v.)	Hon. William M. Skretny
)	
IKO MANUFACTURING, INC., a)	
Delaware Corporation,)	
)	
Defendants.)	

MOTION FOR ADMISSION *PRO HAC VICE*

PLEASE TAKE NOTICE that, pursuant to Local Rules 83.1 and 83.2 of the United States District Court for the Western District of New York, Defendant IKO Manufacturing Inc. respectfully moves for an order admitting Andrew G. Klevorn of the law firm Eimer Stahl Klevorn & Solberg LLP to practice *pro hac vice* as counsel for the Defendant, and further permitting Andrew G. Klevorn to appear and participate for all purposes on behalf of the Defendant in the above-captioned matter. This motion is supported by the accompanying affidavit of Joseph W. Dunbar, a member of the New York Bar. A proposed Order is attached.

WHEREFORE, Defendant respectfully prays that its motion for admission of Andrew G. Klevorn *pro hac vice* be granted.

DATED: July 20, 2009

Respectfully submitted,

DAMON & MOREY, LLP

By: s/Joseph W. Dunbar

JOSEPH W. DUNBAR

1000 Cathedral Place

298 Main Street

Buffalo, New York 14202

Telephone: (716) 856-5500

Email: jdunbar@damonmorey.com

*Attorney for Defendant,
IKO MANUFACTURING INC.*

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

GERALD P. CZUBA, individually and on)	
behalf of a Class of others similarly)	
situated,)	
)	
Plaintiff,)	Case No. 09-CV-0409
)	
v.)	Hon. William M. Skretny
)	
IKO MANUFACTURING, INC., a)	
Delaware Corporation,)	
)	
Defendants.)	

**AFFIDAVIT OF JOSEPH W. DUNBAR IN SUPPORT OF DEFENDANT'S
MOTION FOR *PRO HAC VICE* ADMISSION OF ANDREW G. KLEVORN**

Joseph W. Dunbar, Esq. being duly sworn, deposes and says:

1. I am an attorney at law and am a member of the law firm of Damon Morey, attorneys for the defendant IKO MANUFACTURING, INC (hereafter, IKO)., in the above captioned matter. I make this affidavit in support of the motion for an Order admitting Andrew G. Klevorn, Esq. *pro hac vice*, to serve as counsel for IKO in this case.

2. I am duly admitted to practice in the United States District Court for the Western District of New York. I am also admitted to practice in the United State District Courts for the Northern and Eastern Districts of New York.

3. Andrew G. Klevorn is a partner with the law firm Eimer Stahl Klevorn & Solberg LLP, 224 S. Michigan Ave., Suite 1100, Chicago, IL 60604. Eimer Stahl Klevorn & Solberg LLP is the firm with the primary responsibility for the representation of Defendant, IKO Manufacturing Inc relative to the claims presented in this case, which concern commercial claims and involve multidistrict litigation pertaining to IKO's shingle products.

4. Therefore, I respectfully request that this Court admit Mr. Klevorn *pro hac vice* and permit him to appear and participate in the above-captioned case for all purposes.

5. The background and bar admission of Mr. Klevorn are set forth in the sworn petition submitted with this motion.

6. I have worked with Mr. Klevorn in the defense of this case since I was retained as local counsel on May 18, 2009. I believe Mr. Klevorn to be of good character and know of no reason why this Court should not grant this motion. I am unaware of any current or past disciplinary proceedings against him.

7. In accordance with Local Rules 83.1 and 83.2 of this Court, all pleadings, motions, notices and other papers can be served upon me, according to the Federal Rules of Civil Procedure and the rules of this Court.

I hereby declare, under penalty of perjury, that the foregoing is true and correct, based on my personal knowledge and information.

s/Joseph W. Dunbar

Joseph W. Dunbar

SUBSCRIBED AND SWORN

Before me on this 20th day of
July, 2009.

s/Sharon M. Conway

Notary Public

SHARON M. CONWAY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 06/30/2011

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

GERALD P. CZUBA, individually and on behalf of a Class of others similarly situated,

Plaintiff,

v.

IKO MANUFACTURING, INC., a
Delaware Corporation,

Defendants.

Case No. 09-CV-0409

Hon. William M. Skretny

**PETITION OF ANDREW G. KLEVORN
FOR *PRO HAC VICE* ADMISSION**

Andrew G. Klevorn, being duly sworn, deposes and says:

1. I make this Affidavit pursuant to Local Rules 83.1 and 83.2 of this Court, requesting permission for admission *pro hac vice* in the above-captioned matter.

2. I am a partner with the law firm Eimer Stahl Klevorn & Solberg LLP. My office is located at 224 S. Michigan Ave., Suite 1100, Chicago, Illinois 60604.

3. I graduated from the University of Michigan Law School in 1986. I was admitted to the Bar of the State of Illinois on June 2, 1987. I am a member in good standing of the Bar of the State of Illinois. A copy of the Certificate of Good Standing issued by the State of Illinois is attached hereto.

4. I was admitted to practice in the United States District Court for the Northern District of Illinois on August 11, 1987. I am also admitted to practice in the United States District Courts for the Eastern District of Michigan, the Northern District of Texas, and the Western District of Wisconsin. I am also admitted to practice in the United States Court of

Appeals for the Seventh Circuit. I am a member of the following professional activities: the American Bar Association and the International Bar Association.

5. Our firm serves as litigation counsel for Defendant IKO Manufacturing Inc. for this matter. The complaint in this case involves complex commercial litigation, and my practice and the practice of my firm are limited to that area of law.

6. I represent that I have never been held in contempt of court, or censured in a disciplinary proceeding, suspended or disbarred by any court, or admonished by any disciplinary committee of the organized bar. I represent that I am not the subject of any pending complaint before any court.

7. I have read and am familiar with the provisions of the Judicial Code, 28 U.S.C. §§ 1330-1452, which pertain to jurisdiction of and venue in a United States District Court; the Federal Rules of Civil Procedure; the Federal Rules of Criminal Procedure; the Federal Rules of Evidence; the Local Rules of Practice for the United States District Court for the Western District of New York; the Revised Plan for the Prompt Disposition of Criminal Cases for the Western District of New York; the New York State Lawyer's Code of Professional Responsibility; and the Civility Principles of the United States District Court for the Western District of New York.

8. I agree to adhere faithfully to the New York State Lawyer's Code of Professional Responsibility.

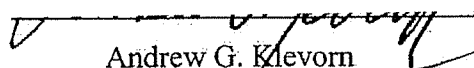
9. Counsel of record for Defendant is Joseph W. Dunbar, a member of the Bar of this Court. All pleadings, motions, notices, and other papers may be served on Mr. Dunbar pursuant to the Federal Rules of Civil Procedure and the Rules of this Court. Mr. Dunbar's

offices are located at Damon & Morey LLP, 1000 Cathedral Place, 298 Main Street, Buffalo, New York 14202.

10. Accordingly, the petitioner respectfully requests that this Court enter an Order admitting Andrew G. Klevorn of the law firm Eimer Stahl Klevorn & Solberg LLP *pro hac vice* in the above-captioned matter.

I hereby declare, under penalty of perjury, that the foregoing is true and correct, based on my personal knowledge and information.

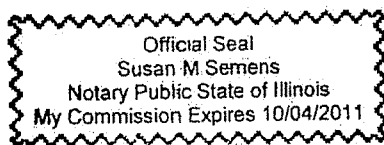
s/Andrew G. Klevorn


Andrew G. Klevorn

SUBSCRIBED TO AND SWORN
before me on this 17th day of
July, 2009.

s/Susan M. Semens

Notary Public



**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

GERALD P. CZUBA, individually and on)	
behalf of a Class of others similarly)	
situated,)	
)	
Plaintiff,)	Case No. 09-CV-0409
)	
v.)	Hon. William M. Skretny
)	
IKO MANUFACTURING, INC., a)	
Delaware Corporation,)	
)	
Defendants.)	

[PROPOSED] ORDER

This matter being presented to the Court on the motion for an Order admitting Andrew G. Klevorn of the law firm Eimer Stahl Klevorn & Solberg LLP to practice *pro hac vice* as counsel in the above-captioned matter, and the Court having read and considered the Affidavit of Joseph W. Dunbar, an attorney with the firm Damon & Morey, LLP and attorney of record in the above-captioned matter for Defendant IKO Manufacturing Inc., and for good cause shown,

IT IS this ____ day of July, 2009, ORDERED that Andrew G. Klevorn be and hereby is admitted to practice *pro hac vice* as counsel in the above-captioned matter for all purposes on behalf of Defendant, with Joseph W. Dunbar as counsel of record for Defendant.

Dated: _____

Hon. William M. Skretny

CERTIFICATE OF SERVICE

I, Joseph W. Dunbar, Esq. hereby certify and affirm that on the 20th day of July, 2009, I electronically filed the foregoing **MOTION FOR ADMISSION *PRO HAC VICE*** with the Clerk of the United States District Court for the Western District of New York using its CM/ECF system, which would then electronically notify the following CM/ECF participants of this filing:

Charles Joseph LaDuca, Esq.
Brendan S. Thompson, Esq.
Cuneo Gilbert & LaDuca, LLP
507 C Street, N.E.
Washington, DC 20002
charlesL@cuneolaw.com
brendant@cuneolaw.com

David G. Jay, Esq.
Law Offices of David G. Jay
69 Delaware Avenue, Suite 1103
Buffalo, New York 14202
davidgjay@verizon.net

HALUNEN & ASSOCIATES
Clayton D. Halunen, Atty.
Shawn J. Wanta, Atty.
1650 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: 612.605.4098
Facsimile: 612.605.4099
halunen@halunenlaw.com
wanta@halunenlaw.com

And, I further certify and affirm that I have mailed the foregoing via post-paid first class mail, to the following non-CM/ECF participants:

LOCKRIDGE GRINDAL & NAUEN P.L.L.P.
Robert J. Shelquist, Atty.
100 Washington Avenue South, Suite 2200
Minneapolis, MN 55401
Telephone: 612.339.6900
Facsimile: 612.339.0981

AUDET & PARTNERS, LLP.
Michael McShane, Esq.
221 Main St., Suite 1460
San Francisco, CA 94105
Phone 415.568.2555
Fax 415.568.2556

AUDET & PARTNERS, LLP.
Michael McShane, Esq.
221 Main St., Suite 1460
San Francisco, CA 94105
Phone 415.568.2555
Fax 415.568.2556

s/Joseph W. Dunbar

Joseph W. Dunbar